

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Lavastre

Serial No.: 10/573,507

Confirmation No.: 3556

Filed: August 28, 2006

For: Bimodal Polyethylene

§ Atty. Dkt. No.: F-884

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§ Group Art Unit: 1796

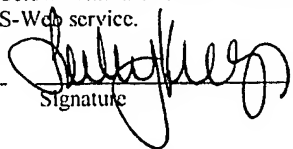
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§ Cust. No.: 25264

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§ Examiner: Lu

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Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Honorable Commissioner:

CERTIFICATE OF EFS-WEB TRANSMISSION 37 CFR 1.10 I hereby certify that this correspondence is being deposited on the date below with the United States Patent Office via the EFS-Web service. <u>12/4/2008</u>  Date Signature
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REPLY BRIEF

Appellants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer dated November 7, 2008.

Response to Examiner's Answer

I. THE EXAMINER ERRED IN REJECTING CLAIMS 38-48 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Appellants note that the Examiner has withdrawn the Section 112, first paragraph rejection of claims 38-47. However, the Examiner asserts that there is "nothing on the record as originally filed to support the process of preparation of the 'styrene supported catalyst' of claims 48". See, Examiner's Answer at page 4, lines 1-10. Appellants respectfully disagree. Support for the recitation of "obtaining styrene supported catalyst" in claim 48 can be found in at least paragraph 12 of the specification, along with the

originally filed claims. The Examiner further argues that "styrene is a liquid compound at room temperature and it is not able to function as a support". *See, Id.* Appellants respectfully resubmit that adequate support for the polystyrene support is found in the specification as filed. Further, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known". *See*, MPEP 2144.03. Appellants submit that it is not common knowledge that styrene is not able to function as a support, as asserted by the Examiner. Accordingly, Applicants respectfully request reversal of the rejection.

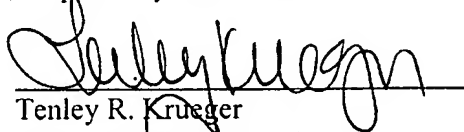
II. THE EXAMINER ERRED IN REJECTING CLAIMS 38-48 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER *COLLINA* IN VIEW OF *CHANG*, *SMITH* AND *LIN*

Appellants note that the Examiner has withdrawn the Section 103(a) rejection of claim 48. Appellants maintain their previous arguments regarding claims 38-47 and feel that repeating such arguments is not necessary to overcome the Examiner's position. Accordingly, Appellants respectfully request reversal of the rejection.

Conclusion

In conclusion, the claims of record are fully supported by the specification as filed. Further, the references of record, either alone or in combination, do not teach, show or suggest the features of the pending claims. Thus, Appellants respectfully request reversal of the rejections of claims 38-48.

Respectfully submitted,



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